

  
**New Professions Technical Institute**  
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**DRUG-FREE**

**SCHOOL**

**AND**

**WORKPLACE**

## **DRUG-FREE SCHOOL AND WORKPLACE**

In compliance with the Drug- Free schools and Communities Act Amendment of 1989 ( Public Law 101-226) the Institute, in an effort to promoting a drug-free learning environment, has adopted and implemented a program to prevent the illicit use of controlled substances and the abuse of alcohol by students and employees.

The Drug-Free Schools and Communities Act Amendment of 1989, Public Law 101-226, Title 20 (Education), Chapter 28 (Higher Education Resources and Student Assistance), Subchapter XII (General Provision see 1145g (Drug and Alcohol Abuse Prevention) states that at a minimum, the program to prevent the use of illicit drugs and the abuse of alcohol by students and Employees must include:

- (1)The annual distribution to each student and employee of
  - a) standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities;
  - b) a description of the applicable legal sanctions under local, State, or Federal Law for the unlawful possession or distribution of illicit drugs and alcohol.
  - c) a description of the health risks associated with the use of illicit drugs and alcohol;
  - d) a description of any drugs or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and
  - e) a clear statement that the institution will impose sanctions on students and employees (consistent with local, State and Federal Law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct required by paragraph (1) (a);
- (2)A biennial review by the institution of its program to
  - a) determine its effectiveness and implement changes to the program if they are needed; and
  - b) ensure that the sanctions required by paragraph (1) (e) are consistently enforced.

In Conformance with the Public Law 101-226 above described, New Professions Technical Institute is hereby declared a Drug and Alcohol Free School and Workplace.

In compliance with point (1) (a) of the Public Law 101-226 New Professions Technical Institute Prohibits students and employees from the manufacture, distribution, possession, offering, selling, agreement to sell, or use of a controlled substance, or being under the influence of the same while at school or while attending/participating in school-related activities on or off the school premises, except as where permitted by prescription or law.

Student and employees are further prohibited from being under the influence of alcohol while at school or while attending/participating in school-related activities on or off school premises.

In conformance with Public Law 101-226, the Institute will make the necessary effort to maintain a drug and alcohol free school and workplace through the implementation of the preceding policy and will establish and maintain a drug and alcohol free awareness program. Consequently with this effort, we present the following references to the State of Florida Law Regarding the unlawful possession, use, or distribution of illicit drugs and alcohol.

## THE STATE OF FLORIDA STATUTES

The State of Florida Statutes declare that it is unlawful

- i) for any person under the legal drinking age (21 years of age) to purchase, possess or consume alcoholic beverages.
- ii) to sell, give, serve or permit to be served alcoholic beverages to a person under 21 years of age. Further more, servers can be held civilly liable for damage caused by underage drinkers to whom they provided alcoholic beverages.
- iii) for any person under 21 years of age to misrepresent one's age for the purpose of purchase-
- iv) to be under the influence of, use, possess, distribute, sell, offer, or agree to sell, or represent to sell narcotics, hallucinogens, dangerous drugs, or controlled substances, except as where permitted by prescription or law.

### RISKS ASSOCIATED WITH THE ABUSE OF ALCOHOL

Alcohol is a powerful drug, medically classified as a depressant. Alcoholic beverages include but are not limited to beverages such as beer, wine, grain alcohol, and liquor. Alcohol Consumption is responsible for a number of visible changes in behavior. The consumption of even low doses of alcohol significantly impairs the judgment, vision, coordination and reaction time required to operate a motor vehicle safely. Consequently, driving under the Influence of alcohol increases the probability that the driver will be involved in an accident. Consumption of moderate doses of alcohol can induce an aggressive behavior that may result in murder, rape, robbery, vandalism, spouse and/or child abuse, and drunk driving among others unfortunate acts. High doses of alcohol is often responsible for causing marked Impairment higher mental function, severely altering consumer's ability to learn, remember, and make judgments. Consumption of very high doses of alcohol may cause chronic depression, suicide, respiratory depression and death. In this stage, the consumption of alcohol is frequently associated with the abuse of other illicit drugs. The use of even small Amounts of alcohol combined with other depressants of the nervous system will expose the Consumer to the effects previously described.

The use of even small doses of alcohol by pregnant women can produce damage to their developing fetus causing birth defects, mental retardation and even death to their babies.

The long term effects of heavy alcohol consumption include but are not limited to:

- i) LIVER DAMAGE, especially cirrhosis (scarring of the liver), alcoholic hepatitis, and cancer of the liver.
- ii) HEART DISEASE, including enlarged heart and congestive heart failure.

- iii) ULCERS AND GASTRITIS, due to irritation of the stomach inner surface by alcohol.
- iv) MALNUTRITION, as a result of the fact that alcohol has no food value. Alcohol Depletes the body of some vitamins and minerals and interferes with the digestion of Food.
- v) CANCER of the mouth, esophagus or stomach, due to irritation by alcohol.
- vi) BRAIN DAMAGE, possibly leading to psychosis.
- vii) TOLERANCE, a need for increasing the alcohol consumption doses to feel the same Effects.
- viii) DEPENDENCE, a need for regular doses of alcohol in order to function, mentally and physically. This is likely to result from the repeated use of alcohol, particularly in persons with one or more parents or grandparents who were problem drinkers. At least 15 to 20% of heavy alcohol users will eventually become problem drinkers or alcoholics if they continue drinking.
- ix) DT'S (DELIRIUM TREMENS), resulting from the sudden cessation of alcohol Consumption is likely to produce withdrawal symptoms, causing mental and physical Problems that are often characterized by severe anxiety, disorientation, tremors, memory Impairment, hallucinations and convulsions, which can be life threatening.

#### RISKS ASSOCIATED WITH THE USE OF ILLICIT DRUGS

All illicit drugs users may suffer from several adverse effects that can cause serious health-threatening problems and even premature death. The most commonly used drugs are known As PSYCHOACTIVE DRUGS. These drugs affect the chemical and physical functioning of the brain affecting the mind and mental processes. These drug are often refer to as “mind-Altering” drugs because they change the perceptions and the behavior of the user. The six (6) main classifications of psychoactive drugs are Cannabis Depressants, Hallucinogens, Narcotics, Stimulants and Inhalants.

The following is a brief description of the health risks associated with PSYCHOACTIVE DRUG use:

i) CANNABIS:

Cannabis is a tall, annual dioecious plant (*Cannabis sativa*), that grows mainly in tropical

Cannabis is also used to identify any of the several mildly euphoriant, intoxicating hallucinogenic drugs produce from different parts of the Cannabis plant. The main forms of cannabis are ganja, Hashish and marijuana. Ganja is a highly resinous form of marijuana prepared from The flowering tops and leaves of selected cannabis plants and usually ingested by smoking. Hashish is a concentrated form of marijuana prepared from the resin secreted

tions of the leaves and flowering tops of the female cannabis plant and smoked or chewed as a narcotic or an intoxicant. Marijuana is the common name for a crude drug made from the dried flower clusters and leaves of the cannabis plant, usually smoked or eaten to induce euphoria. This type of drugs affects the user's perception, feelings, thinking, self-awareness, and emotions.

### Possible signs of using/abusing any form of cannabis

Signs of the cannabis use include loud talking and bursts of laughter in early stages of Intoxication; drowsiness or stupor in later stages of intoxication; forgetfulness in conversation; chronic redness of the eyes; odor on breath; paranoia; defensiveness; secretiveness; self-centeredness; depression; mood swings; relaxed inhibitions; euphoria; dis-Oriented behavior; distorted sense of time and perception; and inability to do things Requiring concentration, swift reactions, and coordination.

### Possible health risks of using/abusing any form of cannabis

Immediate physical effects include elevated heart and pulse rates; increased blood pressures; bloodshot eyes; dry mouth and throat; impaired or reduced short term memory. The potent chemical THC is the main mind-altering (psychoactive) ingredient obtained from cannabis, and is known to cause cell abnormalities, alter normal cell division, affect genetic makeup of new cells, and lower cell immunity, increasing the possibility of viral infections among users. THC is also known to cause several effects on the nervous system, including impaired speech, lack of comprehension, loss of memory, lack of concentration, insomnia mood swings, lack of body coordination, blurred vision, and impaired visual perception. Cannabis is harmful to the respiratory system causing problems such as sinusitis, bronchitis, and lung cancer. Cannabis is also harmful to the reproductive systems of both males and females. Effects on males include decreased masculinity (lowered levels of the male hormone testosterone), impotency, and infertility. Effects on females include decreased femininity (increased amount of testosterone). infertility, and pregnancy complications such as premature births, low-birth weights, birth defects and an increased infant mortality rate. Other effects of cannabis include a behavior known as

the amotivational syndrome, loss of interest, fatigue, depression, interference with physical and emotional development. While cannabis may not be physically addictive, regular users can develop a psychological dependence.

ii) DEPRESSANT:

Depressants are psychoactive drugs often referred to as sedative-hypnotic drugs or downers, and represent any of several drugs that decrease the rate of vital physiological activities. Such drugs depress or slow down the central nervous system by relaxing muscles, calming nerves and producing sleep. Depressants are composed of sedative-hypnotic and tranquilizer drugs that can create tolerance and both physical and psychological dependence which leads to abuse. Alcohol is the most widely used depressant followed by sedatives and tranquilizers. Alcohol is a colorless, volatile, flammable liquid, synthesized or obtained by fermentation of sugars and starches and widely used, either pure or denatured, to produce intoxicating beverages such as beer, wine, grain alcohol, and liquor usually ingested by drinking. Sedatives are drugs that have a soothing, calming, anesthetic, sedative, hypnotic, anti-convulsant, or tranquilizing effect; reducing or relieving anxiety, stress, irritability, or excitement. Common sedative drugs include chloral hydrate, a colorless crystalline compound used medicinally as a sedative and hypnotic (chloral hydrate is also known by the slang names: Knock Out, and Mickey Finn); glutethimide, a nonbarbiturate sedative and hypnotic drug also known by the slang name Doriden; and methaqualone, a potentially habit-forming drug used as a sedative and hypnotic (methaqualones are also known by the slang names: Quaalude and Ludes). Tranquilizers are depressant drugs used to reduce tension or anxiety and to treat psychotic states. Common tranquilizer drugs include the barbiturates, benzodiazepines. Barbiturates represent any of a group of barbituric acid derivatives that act as central nervous system depressants and are used as sedatives or hypnotics. Commonly abused barbiturates include amobarbital (Amytal), pentobarbital (Nembutal) and secobarbital (Seconal). Barbiturates are also known by the slang names: Downers, Barbs, Reds, and Sopors. Benzodiazepines represent any of a group of chemical compounds with common molecular structure and similar pharmacological effects used as anti-anxiety agents, muscle relaxants, sedatives, and hypnotics. Commonly abused benzodiazepines include Valium, Miltown, Librium, Xanax and Ativan.

Possible signs of using/abusing depressants

Signs of depressant use include similar to alcohol intoxication with no odor on the breath; slurred speech; lethargy; disorientation; depression; slow in motion; relaxation and drowsiness; lack of concentration; loss of inhibitions; lack of coordination; dilated pupils; weak and rapid pulse; distorted vision; low blood pressure; shallow breathing; walk or move unsteadily from side to side; cold and clammy skin; fever; sweating; stomach cramps; hallucinations; tremors; and delirium.

Possible health risks of using/abusing depressant

Liver damage, convulsions, addiction with severe withdrawal symptoms, coma, death Due to overdose. For pregnant women, the newborn may be dependent and experience Withdrawal symptoms or suffer from birth defects and behavioral problems.

iii) HALLUCINOGEN:

Hallucinogenic drugs are natural and synthetic drugs that induce hallucination distorting the perception of reality and affecting thought processes. Hallucinogens are Psychedelic, drugs characterized by distortions of perception, altered states of awareness, and occasionally states resembling psychosis. Additionally, these mind-altering Drugs affect a consumer's feeling, thinking, and emotions. Users of this drug may Experience suicide, psychosis, panic attacks, confusion, nausea, vomiting, paranoia, Anxiety, unpleasant sensory images, feeling of helplessness, and lost of control, Furthermore, a flash-back (a reoccurrence of the original drug experience) may be Experienced without taking the drug again. The main forms of hallucinogenic drugs Are phencyclidine (PCP), lysergic acid diethyl amide (LSD), and organic drugs which Include mescaline and psilocybin. Phencyclidine (PCP) is a drug used in veterinary Medicine as an anesthetic and illegally as a hallucinogen. Phencyclidine is also known By its slang names: Angel Dust, Zoot, Peace Pill, and Hog. Lysergic Acid Diethyl-Amide (LSD) a crystalline alkaloid derived from ergot (a fungus, *Claviceps purpurea*, That grows on rye and other grains) and used in medical research as a psychotomimetic Agent. Lysergic Acid Diethyl amide is also known by its slang names: Acid, and

Sugar,

Mescaline, also called Peyote, is an alkaloid drug, obtained from mescal buttons and Are chewed fresh or dry as a narcotic drug, which produces hallucinations, Mescaline Is also known by the slang names: Mexc., Buttons, and Cactus. Psilocybin is a hallucinogenic compound obtained from the mushroom *Psilocybe mexicana*. Psilocybin Is also known by the slang name Mushrooms.

### Possible signs of using/abusing hallucinogens

Signs of hallucinogen use include unpredictable behavior, and mood swings; intoxication; disorientation, confusion, and agitation; violent and aggressive behavior, fear, Terror, and shivering; blank stare; muscular rigidity, and repetitive movements such as Rocking back and forth; dilated and floating pupils; mask-like facial appearance. Other signs may include warm skin, excessive perspiration and body odor; distorted Sense of sight, hearing, and touch; distorted sense of self, time, and space; loss of Appetite, sleeplessness, dry mouth, tremors, anxiety, paranoia, euphoria, panic attacks Violent state of panic, and hallucinations.

### Possible health risks of using/abusing hallucinogens

Numbness of the extremities and loss of muscle coordination; agitation; seizures or Coma; dizziness, nausea, and vomiting; increased body temperature, heart rate, and Blood pressure; suicide, disturbance in judgment, memory, concentration and perception; flashbacks, anxiety and depression; extreme hyperactivity, psychosis, distortion

In sensory perception; convulsions, mental and emotional problems, and death.

iv) NARCOTICS:

The term narcotics refers to any of several drugs that reduces pain, dull the senses, Alters mood and behavior, and usually induces sleep or stupor. Narcotics are Composed of opiates and opioids. Opiates are drugs derived from the resin of the Asian poppy plant. Opioids, commonly known as narcotic analgesics, are synthetic Drugs developed chemically to produce the effects of opiates. Initially, narcotics Stimulate the higher centers of the brain, but then slow down the activity of the central Nervous system. Narcotics are often diluted with other substances (i.e., water, sugar) And injected, others are taken orally or inhaled. This type of drug creates addition And tolerance. Opium, morphine, heroin, codeine and meperidine are the most Commonly used narcotics. Opium is a bitter, yellowish-brown, strongly addictive Narcotic drug prepared from the dried juice of unripe pods of the opium poppy and Containing alkaloids such as morphine, codeine, and papaverine. Morphine is a bitter, Crystalline alkaloid, extracted from opium, the soluble salts of which are used in Medicine as an analgesic, a light anesthetic, or a sedative. This drug is also known by The slang names: dope, M, Miss Emma, mud, and sister. Heroin is a white, odorless, Bitter crystalline compound derived from morphine and is a highly addictive narcotic. This drug is also known by the slang names: dope, H., junk, scag, smack, brown sugar. Mexican mud, and horse. Codeine is an alkaloid narcotic derived from opium or mor- Phine and used as a cough suppressant, analgesic, and hypnotic. This narcotic drug is Also known by the slang name: Schoolboy. Meperidine is a synthetic narcotic Compound used in its hydrochloride form as analgesic and a sedative. Other narcotics Such as Percodan. Darvon, Dilaudid, Talwin, and Methadone are synthesized or Manufactured by modifying the chemicals found in opium. Narcotics have a high Potential for abuse and are found in a variety of forms such as powders, liquids, tablets, Syrups, and capsules. Some narcotics, such as morphine, codeine, and dilaudid, are Prescribed by a physician. Other narcotics are popular street drugs such as heroin, the Most potent and commonly abused narcotic.

### Possible signs of using/abusing narcotics

Signs of narcotic use include lethargy, and drowsiness; constricted pupils and reduced Vision, shallow breathing; redness and raw nostrils from sniffing; lack of motivation; State of unconsciousness resembling deep sleep; decreased pulse rate; reddish skin, Constipation; excessive perspiration, shaking nausea, vomiting, and chills, watery eyes; Itching; and skin abscesses at injection sites.

### Possible health risks of using/abusing narcotics

Narcotics, like other depressants, produce a tranquil and euphoric psychological effect. Regular and continued use of narcotics creates tolerance and philological dependence. Physical effects of narcotics use include slow breathing, heart rate and brain activity. Narcotics also depress appetite, thirst and sexual desire. AIDS tetanus, and hepatitis

May be transmitted to users who share or use unsterile needles to inject narcotics. Regular narcotics users who suddenly stop using narcotic drugs experience withdrawal Symptoms including uneasiness, diarrhea, abdominal cramps, chills, sweating, nausea, Vomiting, running nose and yes, irritability, weakness, tremors and insomnia. Pregnant Women who use narcotic drugs have a higher risk for spontaneous abortions, stillbirths, Breech deliveries, and premature births. Other possible health risks include pulmonary Edema, respiratory and cardiac arrest, convulsions, coma and death due to overdose.

v) **STIMULANTS:**

The term stimulants refer to any of several drugs that temporarily arouses or accelerates physiological or organic activity. Stimulants stimulate the central nervous System, increasing alertness and activity. This type of drug creates tolerance as well As physical and psychological addiction. The most widely used stimulants are nicotine, Which is found in tobacco products, and caffeine, which is found in soft drinks, coffee And tea. Under this category we can also find more potent stimulants such as Cocaine, Crack, amphetamine, and methamphetamine. Cocaine is a colorless or white crystalline Alkaloid, extracted from coca leaves, sometimes used in medicine as a local anesthetic Especially for the eyes, nose, or throat and widely used as an illicit drug for its euphoric And stimulating effects. This drug is also known by its slang names: Coke, Flake, and Snow. Crack, also known as rock, is a light brown or beige pellet of ready-to-smoke Chemically purified cocaine and is considered a highly and rapidly addictive drug. Amphetamine is a synthetic psychoactive drug that is used to stimulate or increase the Action of the central nervous system. This drug is also known by the slang names: Speed, ups, uppers, white crosses, dexies, bennies, black beauties, crystal, and crank. Methamphetamine is an amine derivative of amphetamine used in the form of its Crystalline hydrochloride as a stimulant. Methamphetamines are also known by its Slang names: ice, crank, and crystal.

**Possible signs of using/abusing stimulants**

Signs of stimulant use include dilated pupils; dry mouth and nose; bad breath; frequently Lip licking; excessive activity, insomnia, and loss of appetite; sweating; apathy; disorien- Tation; irritability, moodiness, and nervousness; dramatic mood swings; argumentative; And talkative buy conversation lacks continuity.

**Possible health risks of using/abusing stimulants**

Lost of appetite, and malnutrition; increased respiration, blood pressure, pulse rate and Body temperature; dry mouth; fever, sweating; headache; blurred vision; dizziness; diar- Rhea; ulcers; lack off irregular heartbeat; tremors; loss of coordination or physical Collapse; skin disorders; ulcers; lack of sleep; weight loss; depression; damage to the Brain and lungs; suicidal tendencies; chronic headaches; depression; psychosis; chest Pain, and cardiac arrest; hypertension; convulsions; addition; coma, and death due to Overdose. Pregnant women who use more potent stimulants such as cocaine and crack Have a higher risk for miscarriage and birth defects.

vi) **INHALANTS:**

The term inhalant refers to any of several breathable substances that produce psycho-Active (mind-altering) vapors, stimulating feelings of euphoria, excitement and light Headiness. The vapors produced by inhalants enter the bloodstream rapidly and are Metabolized in the liver and kidneys, often depressing body functions such as breathing And heart rate. Inhalants are not considered drugs because they were developed and/or Industrial use. Therefore, these substances are usually inexpensive and readily available. Because of this situation, it is almost impossible to control the use/abuse of these sub-Stances. Under this classification we find substances such as amyl nitrate, anesthetics Such as halothane and nitrous oxide, solvents and aerosols. Amyl nitrate is a volatile Yellow liquid medication used for heart patients and diagnostic purposes as a vasodilator, Which dilates the blood vessels and makes the heart beat faster. Butyl nitrate, also known As locker room and rush, produces effects that include flushed face, dizziness, decreased Blood pressure followed by an increased heart rate and headache Halothane is a colorless Nonflammable liquid used as an inhalational anesthetic. Nitrous oxide is a colorless, Sweet-tasting gas used as a mild anesthetic in dentistry and surgery. A solvent is a Substances, usually a liquid, capable of dissolving another substance. Commonly abuse Solvents include model airplane glue, nail polish remover, lighter and cleaner fluids, Gasoline, and typewriter correction fluid. An Aerosol is a substance packaged under pressure with a gaseous propellant for release as a spray of fine particles. Commonly Abuse aerosols include hair spray, paints, paint thinners, and cookware coating agents.

**Possible signs of using/abusing inhalants**

Signs of inhalant use include euphoria and light headache; excitability; loss of appetite; Weight loss, confusion; poor concentration; forgetfulness; runny nose, sneezing , and Watery eyes; coughing drowsiness; poor muscle control; nausea and vomiting; odor on Breath; lack of coordination and muscle control; delayed reflexes; reddish skin; and Violence.

**Possible short term health risks of using/abusing inhalants**

Immediate effects include flushed face, dizziness, decreased blood pressure followed by An increased heart rate and headache. Short term adverse health effects include nausea, Abnormal heart rhythm, nosebleeds, feeling and looking tired, double vision, chest pain, Muscle and joint aches, loss of appetite and birth defects caused by inhaling any inhalant During pregnancy. Possible long term health risks include loss of weight, fatigue, electr-Olyte (salt) imbalance, impaired perception and coordination impaired judgment, damage To the nervous system, reduction of physical and mental abilities, damage to blood, bone Marrow, liver and kidneys, loss of self control, violent behavior, unconsciousness, death, Heart failure and instant death, death from suffocation, and respiratory arrest.

In addition to psychoactive drug, STEROIDS are illegally used for non-medical reasons. They are primary used to build muscle and increase strength, having a high abuse potential. The following is a brief description of the health risks associated with STEROID use:

## **STEROIDS:**

Steroids are synthetic forms of the male sex hormone testosterone. Steroid use produces Anabolic and androgenic effects. Anabolic steroid is any of a group of synthetic Hormones that promote the storage of protein and the growth of tissue, sometimes used By athletes to increase muscle size and strength Androgenic steroid is a steroid hormone, Such as testosterone or androsterone, that controls the development and maintenance Of masculine characteristics. The effect of testosterone in the body is to stimulate the Development of bone, muscle, skin, hair growth, lowering of the voice, and emotional Responses. When too much testosterone is produces, the body can react by shutting Down skeletal growth mechanisms, non-medically, steroids are used to build muscle and Increase strength, and have a high abuse potential. However, the use of steroids to Increase muscle and strength does not mean tendons and ligaments are strengthened. Consequently, this imbalance can result in serious injury.

### **Possible signs of using/abusing steroids**

Signs of steroid use include quick weight and muscle gain; purple or red-colored spot on The body; swelling of feet or lower legs; trembling; unexplained darkening of the skin; Bad breath; and increased aggressive behavior (“roid rage”)

### **Possible short term health risks of using/abusing steroids**

There are over seventy known side effects associated with the use of steroids, ranging From liver cancer to acne. The live, cardiovascular and reproductive systems are Strongly affected by steroid use. Some side effects include heart attack, stoke, and Stunted growth. Use of injectable forms of steroids increases the risk of infection. AIDS, tetanus, and hepatitis may be transmitted to users who share or use unsterile Needles to inject steroids. Steroid use in men can result in enlargement of the prostate And prostate cancer. It may also cause accelerated baldness, shrinking of the testicles, Impotence, reduced sperm production and breast enlargement (gynecomastia) Steroid Use in women, due to the masculinizing effects of steroids, can result in a deepened Voice, shrinking of the breast and uterus, clitoral enlargement, growth of facial hair and Menstrual irregularities. Steroid use during pregnancy can have a masculinizing effect On the female fetus and may result in birth defects. The effects of Steroid use during Adolescence include unusual growth, acne, interference with the normal male hormone Production, and may produce long term effects on fertility and sexual functioning. Additional effects include euphoria, increased irritability and inappropriate displays of Anger. Furthermore, a user may become depressed, suicidal, paranoid, or uncharac- Teristically aggressive.

## **FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL POSSESSION OF A CONTROLLED SUBSTANCE**

### **§ 844. Penalties for simple possession**

#### **(a) Unlawful acts; penalties**

It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or Order, from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this subchapter or subchapter II of this chapter.

Any person who violates this subsection may be sentenced to a term of imprisonment of not more than 1 year, and shall be fined a minimum of \$1,000, or expect that if he commits such offense after a prior conviction under this subchapter or subchapter II, of this chapter, or a prior conviction for any drug or narcotic offense chargeable under the law of any State, has become final, he shall be sentenced to a term of imprisonment for not less than 15 days but not more than 2 years, and shall be fined a minimum of \$2,500, expect, further, that if he commits such offense after two or more prior convictions under this subchapter or subchapter II of this chapter, or two or more prior convictions for any drug or narcotic offense chargeable under the law of any State, or a combination of two or more such offenses have become final, he shall be sentenced to a term of imprisonment for not less than 90 days but not more than 3 years, and shall be fined a minimum of \$5,000.

Notwithstanding the preceding sentence, a person convicted under this subsection for the possession of a mixture or substance which contains cocaine base shall be imprisoned not less than 5 years and not more than 20 years, and fined a minimum of \$1,000, if the conviction under this subsection and the amount of the mixture of substance exceeds 5 grams, if the conviction is after a prior conviction for the possession of such a mixture or substance under this subsection becomes final and the amount of the mixture or substance exceeds 3 grams, or if the conviction is after 2 or more prior convictions for the possession of such a mixture or substance under this subsection become final and the amount of the mixture or substances exceeds 1 gram.

The imposition or execution of a minimum sentence required to be imposed under this subsection shall not be suspended or deferred. Further, upon conviction, a person who violates this subsection shall be fined the reasonable costs of the investigation and prosecution of the offense, including the costs of prosecution of an offense as defined in sections 1918 and 1920 of title 28, except that this sentence shall not apply and a fine under this section need not be imposed if the court determines under the provision of title 18 that the defendant lacks the ability to pay.

**(b) Repealed. Pub. L. 98-473, title II, Sec. 219(a), Oct. 12, 1984, 98 Stat. 2027**

**(c) “Drug or narcotic offense” defined**

As used in this section, the term “drug or narcotic offense” means any offense which

Proscribes the possession, distribution, manufacture, cultivation, sale, transfer, or the Attempt or conspiracy to possess, distribute, manufacture, cultivate, sell or transfer any Substance the possession of which is prohibited under this subchapter.

#### **§ 844a. Civil penalty for possession of small amounts of certain controlled substances**

##### **(a) In general**

Any individual who knowingly possesses a controlled substance that is listed in section 84(b)(1)(A) of this title in violation of section 844 of this title in an amount that as specified by regulation of the Attorney General, is a personal use amount shall be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each such violation.

##### **(b) Income and net assets**

The income and net assets of an individual shall not be relevant to the determination whether To assess **a civil penalty under this section or to prosecute the individual criminally. However, in determining the amount of a penalty under this section, the income, and assets Of an individual shall be considered.**

##### **(c) Prior conviction**

A civil penalty may not be assessed under this section if the individual previously was Convicted of a **Federal or State offense relating to a controlled substance.**

##### **(d) Limitation on number of assessments**

A civil penalty may not be assessed on an individual under this section on more than two Separate occasions.

##### **(e) Assessment**

A civil penalty under this section may be assessed by the Attorney General only by an Order made on the record after opportunity for a hearing in accordance with section 554 Of title 5. The Attorney General shall provide written notice to the individual who is the Subject of the proposed order informing the individual of the opportunity to receive such a Hearing with respect to the proposed order. The hearing may be held only if the individual Makes a request for the hearing before the expiration of the 30-day period beginning on the Date such notice is issued.

##### **(f) Compromise**

The Attorney General may compromise, modify, or remit, with or without conditions, any Civil penalty imposed under this section.

##### **(g) Judicial review**

If the Attorney General issues an order pursuant to subsection (e) of this section after a Hearing described in such subsection, the individual who is the subject of the order may, Before the expiration of the 30-day period beginning on the date the order is issued, bring A civil action in the appropriate district court of the United States. In such action, the law And the facts of the violation and the assessment of the civil penalty shall be determined de Novo, and shall include the right of a trial by jury, the right to counsel, and the right to Confront witnesses. The facts of the violation shall be proved beyond a reasonable doubt.

**(h) Civil action**

If an individual does not request a hearing pursuant to subsection (e) of this section and the Attorney General issues an order pursuant to such subsection, or if an individual does not Under subsection (g) of this section seek judicial review of such an order, the Attorney General may commence a civil action in any appropriate district court of the United States For the purpose of recovering the amount assessed and an amount representing interest at a Rate computed in accordance with section 1961 of title 28. Such interest shall accrue from The expiration of the 30-day period described in subsection (g) of this section. In such an Action, the decision of the Attorney General to issue the order, and the amount of the penalty Assessed by the Attorney General, shall not be subject to review.

**(i) Limitation**

The Attorney General may not under this subsection (FOOTNOTE 1) commence proceeding Against an individual after the expiration of the 5-year period beginning on the date on which The individual allegedly violated subsection (a) of this section.

(FOOTNOTE 1) So in original. Probably should be “section”

**(j) Expungement procedures**

The Attorney General shall dismiss the proceeding under this section against an individual Upon application of such individual at any time after the expiration of 3 years if.

(1) the individual has not previously been assessed a civil penalty under this section.

(2) The individual has paid the assessment;

(3) The individual has complied with any conditions imposed by the Attorney General

(4) **The individual has not been convicted of a Federal or State offense relating to A controlled substance;** and

(5) the individual agrees to submit to a drug test, and such test shows the individual to be drug free. A nonpublic record of a disposition under this subsection shall be retained by the Department of Justice solely for the purpose of determining in any subsequent proceeding whether the person qualified for a civil penalty or expungement under this subsection, and individual concerning that such an expungement has been made shall not be held thereafter under any provision of law to be guilty of perjury, false swearing, or making a false statement by reason of his failure to recite or acknowledge a proceeding under this section or the results thereof in response to an inquiry made of him for any purpose.

## **§853. Criminal forfeitures**

### **(a) Property subject to criminal forfeiture**

Any person convicted of a violation of this subchapter or subchapter II of this chapter punishable by imprisonment for more than one year shall forfeit to the United States, irrespective of any provision of State law.

- (1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;
- (2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and
- (3) in the case of a person convicted of engaging in a continuing criminal enterprise in violation of section 848 of this title, the person shall forfeit, in addition to any property or contractual rights affording a source of control over, the continuing criminal enterprise. The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this subchapter or subchapter II of this chapter, that the person forfeits to the United States all property described in this subsection. In lieu of a fine otherwise authorized by this part, a defendant who derives profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds.

### **(b) Meaning of term "property"**

Property subject to criminal forfeiture under this section includes

- (1) real property, including things growing on, affixed to, and found in land; and
- (2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

## **§ 881. Forfeitures**

### **(a) Subject property**

The following shall be subject to forfeiture to the United States and no property right shall exist in them:

- (1) All controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this subchapter.
- (2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this subchapter.
- (3) All property, which is used, or intended for use, as a container for property described in paragraph (1), (2), or (9).
- (4) All conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraph (1), (2), or (9), except that

- a
- (A) no conveyance used by any person as a common carrier in the transaction of business as common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to a violation of this subchapter or subchapter II of this chapter.
  - (B) no conveyance shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States, or of any State; and
  - (C) no conveyance shall be forfeited under this paragraph to the extent of an interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge, consent, or willful blindness of the owner.
- (5) All books, records, and research, including formulas, microfilm, tapes and data which are used or, intended for use, in violation of this subchapter.
- (6) All moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.
- (7) All real property, including any right, title, and interest (including any leasehold interest) in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this subchapter punishable by more than one year's imprisonment, except that no property shall be forfeited under this paragraph, to the extent of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.
- (8) All controlled substances which have been possessed in violation of this subchapter
- (9) All listed chemicals, all drug manufacturing equipment, all tabulating machines, all encapsulating machines, and all gelatin capsules, which have been imported, exported, manufactured, possessed, distributed, or intended to be distributed, imported, or exported, in violation of a felony provision of this subchapter or subchapter II of this Chapter.
- (10) Any drug paraphernalia (as defined in section 1822 of the Mail Order Drug Paraphernalia Control Act). (FOOTNOTE 1)  
(FOOTNOTE 1) See References in Text note below.

- (11) Any firearm (as defined in section 921 of title 18) used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraph (1) or (2) and any proceeds traceable to such property.

## **§ 862. Denial of Federal benefits to drug traffickers and possessors**

### **(a) Drug traffickers**

- (1) Any individual who is convicted of any Federal or State offense consisting of the distribution of controlled substances shall
- (A) at the discretion of the court, upon the first conviction for such an offense be ineligible for any or all Federal benefits for up to 5 years after such conviction;
  - (B) at the discretion of the court, upon a second conviction for such an offense be ineligible for any or all Federal benefits up to 10 years such conviction; and
  - (C) upon a third or subsequent conviction for such an offense be permanently ineligible for all Federal benefits
- (2) The benefits which are denied under this subsection shall not include benefits relating To long term drug treatment programs for addiction for any person who, if there is a Reasonable body of evidence to substantiate such declaration, declares himself to be an Addict and submits himself to a long-term treatment program for addiction. or is deemed To be rehabilitated pursuant to rules established by the Secretary of Health and Human Services.

### **(b) Drug possessors**

- (1) Any individual who is convicted of any Federal or State offense involving the possession Of a controlled substance (as such term is defined for purposes of this subchapter) shall-
- (A) upon the first conviction for such an offense and at the discretion of the court-
    - (i) be ineligible for any or all Federal benefits for up to one year.
    - (ii) Be required to successfully complete an approved drug treatment program Which includes periodic testing to insure that the individual remains drug free
    - (iii) be required to perform appropriate community service; or
    - (iv) any combination of clause (i), (ii), or (iii); and
  - (B) upon a second or subsequent conviction for such an offense be ineligible for all Federal benefits for up to 5 years after such conviction as determined by the court. The court shall continue to have the discretion in subparagraph (A) above. In Imposing penalties and conditions under subparagraph (A), the court may require That the completion of the conditions imposed by clause (ii) or (iii) be a requirement For the reinstatement of benefits under clause (i).
- (2) The penalties and conditions which may be imposed under this subsection shall be waived in the case of a person who, if there is a reasonable body of evidence to substantiate such declaration, declares himself to be an addict and submits himself to a long-term treatment program for addiction, or is deemed to be rehabilitated pursuant to rules established by the Secretary of Health and Human Services.

### **(c) Suspension of period of ineligibility**

The period of ineligibility referred to in subsections (a) and (b) of this section shall be  
Suspended if the individual-

- (A) completes a supervised drug rehabilitation program after becoming ineligible under this
- (B) has otherwise been rehabilitated; or
- (C) has made a good faith effort to gain admission to a supervised drug rehabilitation program, but is unable to do so because of inaccessibility or unavailability of such a program, or the inability of the individual to pay for such a program.

**(d) Definitions**

As used in the section-

- (1) the term “Federal benefit”

- (A) means the issuance of any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States; and

- (B) does not include any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility; and

- (2) the term “veterans benefit” means all benefits provided to veterans, their families, or survivors by virtue of the service of a veteran in the Armed Forces of the United States

**(e) Inapplicability of this section to Government witnesses**

The penalties provided by this section shall not apply to any individual who cooperates or Testifies with the Government in the prosecution of a Federal or State offense or who is in a Government witness protection program.

**(f) Indian provision**

Nothing in this section shall be constructed to affect the obligation of the United States to any Indian or Indian tribe arising out of any treaty, statute, Executive order, or the trust Responsibility of the United States owing to such Indian or Indian tribe. Nothing in this Subsection shall exempt any individual Indian from the sanctions provided for in this Section, provided that no individual Indian shall be denied any benefit under Federal Indian programs comparable to those described in subsection (d) (1)(B) or (d)(2) of this Section.

**(g) Presidential report**

- (1) On or before May 1, 1989, the President shall transmit to the Congress a report-

- (A) delineating the role of State courts in implementing this section

- (B) describing the manner in which Federal agencies will implement and enforce the requirements of this section;

- (C) detailing the means by which Federal and State agencies, courts, and law enforcements agencies will exchange and share the data and information necessary to implement and enforce the with holding of Federal benefits; and

- (D) recommending any modification to improve the administration of this section or otherwise achieve the goal of discouraging the trafficking and possession of controlled substances.

- (2) No later than September 1,1989, the Congress shall consider the report of the President

And enact such changes as it deems appropriate to further the goals of this section.

**(h) Effective date**

The denial of Federal benefits set forth in this section shall take effect for convictions Occurring after September 1, 1989.

Note: In addition to the Federal penalties and sanctions above indicated. State penalties and Sanctions may also apply.

**Florida Statutes (Full Volume 1995)**

**CHAPTER 893: DRUG ABUSE PREVENTION AND CONTROL**

**893.01 Short title.**

This chapter shall be cited and known as the “Florida Comprehensive Drug Abuse Prevention And Control Act.”

**896.02 Definitions**

The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

- (1) “Administer” means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means to the body of a person or animal.
- (2) “Analog” or “chemical analog” means a structural derivative of a parent compound that is a controlled substances.
- (3) “Cannabis” means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.
- (4) “Controlled substance” means any substances named or described in Schedules I through V of s. 893.03 Laws controlling the manufacture, distribution, preparation, dispensing, or administration of such substances are drug abuse laws.
- (5) “Deliver” or “delivery” means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.
- (6) “Dispense” means the transfer of possession of one or more doses of a medicinal drug by a pharmacist or other licensed practitioner to the ultimate consumer thereof or to one whom represents that it is his intention not to consume or use the same but to transfer the same to the ultimate consumer or user for consumption by the ultimate consumer or user.
- (7) “Distribute” means to deliver, other than by administering or dispensing, a controlled substance.
- (8) “Distributor” means a person who distributes
- (9) “Department” means the Department of Health and Rehabilitative Services.
- (10) “Hospital” means an institution for the care and treatment of the sick and injured, licensed pursuant to the provisions of chapter 395 or owned or operated by the state or Federal Government.
- (11) “Laboratory” means a laboratory approved by the Drug Enforcement Administration as proper to be entrusted with the custody of controlled substances for scientific, medical, or instructional purposes or to aid law enforcement officers and prosecuting attorneys in the

enforcement of this chapter.

(12) "Listed chemical" means any precursor chemical or essential chemical named or described in s. 893.033

(13)

(a) "Manufacture" means the production, preparation, propagation, compounding, cultivating, growing, conversion, or processing of a controlled substance, either directly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation, compounding, packaging, or labeling of a controlled substances by:

1) A practitioner or pharmacist as an incident to his administering or delivering of A controlled substance in the course of his professional practice.

2) A practitioner, or by his authorized agent under his supervision, for the purpose of, Or as an incident to, research, teaching, or chemical analysis, and not for sale.

(b) "Manufacturer" means and includes every person who prepares, derives, produces, compounds, or repackages any drug as defined by the Florida Drug and Cosmetic Act. However, this definition does not apply to manufacturers of patent or proprietary Preparations as defined in the Florida Pharmacy Act. Pharmacies, and pharmacists Employed thereby, are specifically excluded from this definition.

(14) "Patient" means an individual to whom a controlled substance is lawfully dispensed or administered pursuant to the provisions of this chapter.

(15) "Pharmacist" means a person who is licensed pursuant to chapter 465 to practice the profession of pharmacy in this state.

(16) "Possession" includes temporary possession for the purpose of verification or testing irrespective of dominion or control.

(17) "Potential for abuse" means that a substance has properties of a central nervous system stimulant or depressant or an hallucinogen that create a substantial likelihood of its being:

(a) Used in amounts that create a hazard to the user's health or the safety of the community;

(b) Diverted from legal channels and distributed through illegal channels; or

(c) Taken on the user's own initiative rather than on the basis of professional medical advice.

Proof of potential for abuse can be based upon a showing that these activities are already taking Place, or upon a showing that the nature and properties of the substances make it reasonable to Assume that there is a substantial likelihood that such activities will take place, in other than Isolated or occasional instances.

(18) "Practitioner" means a physician licensed pursuant to chapter 458, a dentist licensed pursuant to chapter 466, a veterinarian licensed pursuant to chapter 474, an osteopathic physician licensed pursuant to chapter 459, a naturopath licensed pursuant to chapter 462, or a podiatrist licensed pursuant to chapter 461, provided such practitioner holds a valid federal controlled substance registry number.

(19) "Prescription" means and includes an order for drugs or medicinal supplies written, signed,

or transmitted by word of mouth, telephone, telegram, or other means of communication by a duly licensed practitioner licensed by the laws of the state to prescribe such drugs or medicinal supplies, issued in good faith and in the course of professional practice, intended to be filled, compounded, or dispensed by another person licensed by the laws of the state to do so, and meeting the requirements of s. 893.04. The term also includes an order for drugs or medicinal supplies so transmitted or written by a physician, dentist, veterinarian, or other practitioner licensed to practice in a state other than Florida, but only if the pharmacist called upon to fill such an order determines, in the exercise of his professional judgment that the order was issued pursuant to a valid patient-physician relationship, that it is authentic, and that the drugs or medicinal supplies so ordered are considered necessary for the continuation of treatment of a chronic or recurrent illness. However, if the physician writing the prescription is not known to the pharmacist, the Pharmacist shall obtain proof to a reasonable certainty of the validity of said prescription. A prescription order for a controlled substance shall not be issued on the same Prescription blank with another prescription order for a controlled substances, which is Named or described in a different schedule, nor shall any prescription order for a Controlled substance be issued on the same prescription blank as a prescription order For a medicinal drug, as defined in [Footnote 1] s. 465.031 (5) which does not fall Within the definition of a controlled substance as defined in this act.

- (20) “Wholesaler” means any person who acts as a jobber, wholesale merchant, or broker, or an agent, thereof, who sells or distributes for resale any drug as defined by the Florida Drug and Cosmetic Act. However, this definition does not apply to persons who sell only patent or proprietary preparations as defined in the Florida Pharmacy Act. Pharmacies, and pharmacists employed thereby, are specifically excluded from this definition.

[Footnote 1] Note. Repealed by s. 4, ch. 79-226

### **893.03 Standards and schedules**

The substances enumerated in this section are controlled by this chapter. The controlled substances listed or to be listed in Schedules I, II, III, IV, and V are included by whatever Official, common, usual, chemical, or trade name designated. The provisions of this Section shall not be construed to include within any of the schedules contained in this Section any excluded drugs listed within the purview of 21 C.F.R. s. 1308.34 styled “Exempt Anabolic Steroid Products.”

#### **(1) SCHEDULE I**

A substance in Schedule I has a high potential for abuse and has no currently accepted Medical use in treatment in the United States and in its use under medical supervision Does not meet accepted safety standards. The following substances are controlled in Schedule I.

##### **(a)**

Unless specifically expected or unless listed in another schedule, any of the following Substances, including their isomers, esters, salts of isomers, esters, and ethers, whenever

The existence of such isomers, esters, ethers, and salts is possible within the specific Chemical designation:

1) Acety-alpha-methylfentanyl. 2) Acetymethadol. 3) Allylprodine 4) Alphacetylmethadol 5) Alphamentadol 6) Alpha-methylfentanyl (N-1- (alpha-methyl-beta-phenyl) ethy-4-piperidyl propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)piperidine). 7) Alpha-methylthiofentanyl. 8) Alphameprodine 9) Benzethidine 10) Benzylfentanyl 11) Betacetvlmethadol 12) Betahydroxyfentanyl 13) Beta-hydroxy-3-methylfentanyl 14) Betameprodine 15) Betamethadol 16) Betaprodine 17) Clonitazene 18) Dextromoramide 19) Diampromide 20) Diethylthiambutene 21) Difenoxin 22) Dimenoxadol 23) Dimepheptanol 24) Dimethylghiambutene 25) Dioxaphetvl butyrate 26) Dippianone 27) Ethylmethylthiambutene 28) Etonitazene 29) Etoxeridine 30) Furethidine 31) Hydroxypethidine 32) Ketobemidone 33) Levomoramide 34) Levophenacylmorphan 35) 1-Methyl-4-Phenyl-4-Propionoxypiperidine (MPPP) 36) 3-Methylfentanyl (N-3-methyl-1-(2-phenylethyl)-4- piperidyl-N-phenylpropanamide). 37) 3-Methylthiofentanyl 38) 3, 4-Methylenedioxy-methamphetamine (MDMA) . 39) Morpheridine 40) Noracymethadol 41) Norlevorphanol 42) Normethadone 43) Norpipanone 44) Para-Fluorofentanyl 45) Phenadoxone 46) Phenampromide 47) Phenomorphan 48) Phenoperidine 49) 1-(2-Phenylethy)-4Phenyl-4 Acetyloxypiperidine (PEPAP) 50) Piritramide 51) Proheptazine 52) Properidine 53) Propiram 54) Racemoramide 55) Thenlfentanyl 56) Thiofentanyl 57) Tilidine 58) Trimeperidine

**(b)**

Unless specifically excepted or unless listed in another schedule, any of the following substances, their salts, isomers, and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

1) Acetorphine 2) Acetyldihydrocodeine 3) Benzylmorphine 4) Codeine methylbromide 5) Codeine-N-Oxide 6) Cyprenorphine 7) Desomorphine 8) Dihydromorphine 9) Drotebanol 10) Etorphine(except hydrochloride salt) 11) Heroin 12) Hydromorphinol 13) Methyl-desorphine 14) Methyl-dihydromorphine 15) Monoacetylmorphine 16) Morphine methylbromide 17) Morphine methylsulfonate 18) Morphine-N-Oxide 19) Myrophine 20) Nicocodine 21) Nicomorphine 22) Normorphine 23) Pholcodine 24) Thebacon

**(c)**

Unless specifically accepted or unless listed in another schedule, any material, compound, Mixture, or preparation, which contains any quantity of the following hallucinogenic substances Or which contains any of their salts, isomers, and salts of isomers, whenever the existence of Such salts, isomers, and salts of isomers is possible within the specific chemical designation:

1) 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-methylaminorex) 2) 4-Bromo-2,5-dimethoxy-amphetamine 3) Bufotenine 4) Cannabis 5) Cathinone 6) Diethyltryptamine 7) 2,5-Dimethoxyamphetamine 8) 2,5-Dimethoxy-4-ethylamphetamine (DOET) 9) Dimethyltryptamine 10) N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine analog of phencyclidine). 11) N-Ethyl-3-piperidyl benzilate 12) N-ethylamphetamine 13) Fenethylamine 14) N-Hydrox-3,4-Methylenedioxyamphetamine. 15) Ibogaine 16) Lysergic acid diethylamide (LSD) 17) Mescaline

18) 5-Methoxy-3,4-methylenedioxyamphetamine 19) 4-methoxyamphetaamine 20) 4-Methyl-2,5-dimethoxyammphetamine 21) 3,4-Methylenedioxy-N-ethylamphetamine 22) 3,4-Methylenedioxyamphetamine 23) N-Methyl-3-piperidyl benzilate 24) N,N-dimethylamphetamine 25) Parahexyl 26) Peyote 27) N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) )Pyrrolidine analog of phencyclidine) 28) Psilocybin 29) Psilocyn 30) Tetrahydrocannabinols 31) 1-1-(2-Thienyl)- cyclohexyl-piperidine (TCP) (Thiophene analog of phencyclidine) 32) 3,4,5-Trimethoxyamphetamine.

**(d)**

Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of mathaqualone or maloqualone, including Any of its salts, isomers, optical isomers, salts of their isomers, and salts of these optical isomers.

**(2) SCHEDULE II**

A substance in Schedule II has a high potential for abuse and has a currently accepted buy Severely restricted medical use in treatment in the United States, and abuse o f the substance May lead to severe psychological or physical dependence. The following substances are Controlled in Schedule II.

**(a)**

Unless specifically excepted or unless listed in another schedule, any of the following Substances, whether produced directly or indirectly by extraction from substances of Vegetable origin or independent by means of chemical synthesis:

- 1) Opium and any salt , compound, derivative, or preparation of opium, except nalme-Fene or isoquinoline alkaloids of opium, including but not limited to, the following:  
A, Raw opium b. Opium extracts c. Opium fluid extracts. d. Powdered opium  
e. Granulated opium f. Tincture of opium g. Codiene h. Ethylmorphine i. Etorphine hydrochloride j. Hydrocodone k. Hydromorphone l. Metopon (methyldihydromorphinone) m. Morphine n. Oxycodone o. Oxymorphone  
p. Thebaine
- 2) Any salt, compound, derivate, or preparation of a substance which is chemically Equivalent to or identical with any of the substances referred to in subparagraph 1., Except that these substances shall no include the isoquinoline alkaloids of opium.
- 3) Any part of the plant of the species *Papaver somniferum*, L.
- 4) Cocaine or ecgonine, including any of their stereoisomers, and any salt, compound, derivate, or preparation of cocaine or ecgonine. 5 Dronaabinol (synthetic THC) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product .

**(b)**

Unless specifically excepted or unless listed in another schedule, any of the following Substances, including their isomers, esters, ethers, salts,and salts of isomers, esters, and

Ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within  
The specific chemical designation:

- 1) Alfentanil
- 2) Alphaprodine
- 3) Anileridine
- 4) Bezitramide
- 5) Bulk dextropropoxyphene (nondosage forms)
- 6) Carfentanil
- 7) Dihydrocodeine
- 8) Diphenoxylate
- 9) Fentanyl
- 10) Isomethadone
- 11) Levomethorphan
- 12) Levorphanol
- 13) Metazocine
- 14) Methadone
- 15) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenylbutane
- 16) Moramide-Intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid
- 17) Nabilone
- 18) Pethidine (meperidine)
- 19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.
- 20) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate
- 21) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid
- 22) Phenazocine
- 23) Phencyclidine.
- 24) 1-Phenylcyclohexylamine
- 25) Piminodine
- 26) 1-Piperidinocyclohexanecarbonitrile
- 27) Racemethorphan
- 28) Racemorphan
- 29) Sufentanil

(c)

Unless specifically excepted or unless listed in another schedule, any material, compound, Mixture, or preparation, which contains any quantity of the following substances, including Their salts, isomers, optical isomers, salts of their isomers, and salts of their optical isomers:

- 1) Amobarbital
- 2) Amphetamine
- 3) Gluthimide
- 4) Methamphetamine
- 5) Methylphenidate
- 6) Pentobarbital
- 7) Phenmetrazine
- 8) Phenylacetone
- 9) Secobarbital

### (3) SCHEDULE III

A substance in Schedule III has a potential for abuse less than the substances contained in Schedules I and II and has a currently accepted medical use in treatment in the United States And abuse of the substance may lead to moderate or low physical dependence or high Psychological dependence or , in the case of anabolic steroids, may lead to physical damage. The following substances are controlled in Schedule III:

(a)

Unless specifically excepted or unless listed in another schedules, any material, compound, Mixture, or preparation, which contains any quantity of the following substances having a depressant or stimulant effect on the nervous system:

- 1) Any substances which contains any quantity of a derivative of barbituric acid, including Thiobarbituric acid, or any salt of a derivative of barbituric acid or thiobarbituric acid, Including, but not limited to, butabarbital and butalbital.
- 2) Benzphetamine
- 3) Chlorhexadol
- 4) Chlorphentermine
- 5) Clortemine
- 6) Lysergic acid
- 7) Lysergic acid amide
- 8) Methyprylon
- 9) Phendimetrazine
- 10) Sulfondiethylmethane
- 11) Sulfonethylmethane
- 12) Sulfonmethane
- 13) Tiletamine and zolazepam or any salt thereof

(b)

Nalorphine

(c)

Unless specifically excepted or unless listed in another schedule, any material, compound, Mixture, or preparation containing limited quantities of any of the following controlled substances or any salts thereof:

1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium. 2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per Dosage unit, with recognized therapeutic amounts of one or more ingredients, which are not Controlled substances. 3) Not more than 300 milligrams of hydrocodone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity Of an isoquinoline alkaloid of opium. 4) Not more than 300 milligrams of hydrocodone Per 100 milliliters or not more than 15 milligrams per dosage unit, with recognized Therapeutic amounts of one or more active ingredients which are not controlled substances. 5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients which are not controlled substances. 6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts. 7) Not more than 50 of morphine per 100 milliliters or per 100 grams, with recognized therapeutic amounts of one or more active ingredients which are not controlled substances.

**(d)**

Anabolic steroids

1) The term “anabolic steroid” means any drug or hormonal substance, chemically and Pharmacologically related to testosterone, other than estrogens, progestins, and corticosteroids, that promotes muscle growth and includes: a. Androsterone b. Androsterone Acetate c. Boldenone d. Boldenone acetate e. Boldenone benzoate f. Boldenone undecylate g. Chlorotestosterone (4-chlorotestosterone) h. Clostebol i. Dehydrochlor-Methyltestosterone j. Dihydrotestosterone (4-dihydrotestosterone). k. Drostanolone l. Ethylestrenol m. Fluoxymesterone n. Formebolone (formebolone). o. Mesterolone p. Methandienone q. Methandranone r. Methandriol s. Methandrostenolone t.

Methenolone

u. Methyltestosterone v. Mibolerone w. Nandrolone x. Norethandrolone y. Nortestosterone z. Norestosterone decanoate. aa. Norestosterone phenylpropionate. bb. Nortestosterone propionate cc. Oxandrolone dd. Oxymesterone ee. Oxymetholone ff. Stanolone gg. Stanozolol hh. Testolactone ii. Testosterone jj. Testosterone acetate kk. Testosterone benzoate ll. Testosterone cypionate mm. Testosterone decanoate. nn. Testosterone enanthate. oo. Testosterone isocaproate pp. Testosterone oleate qq. Testosterone phenylpropionate rr. Testosterone propionate ss. Testosterone undecanoate tt. Trenbolone uu. Trenbolone acetate vv. Any salt, ester, or isomer of a drug or substance described or listed in this subparagraph if that salt, ester, or isomer promotes muscle growth.

2) The term does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and that has been approved by the United States Secretary of Health and Human Services for such administration. However, Any person who prescribes, dispenses, or distributes such a steroid for human use is Considered to have prescribed, dispensed, or distributed an anabolic steroid within the Meaning of the paragraph.

**(4) SCHEDULE IV.**

A substance in Schedule IV has a low potential for abuse relative to the substance in Schedule III and has a currently accepted medical use in treatment in the United States, and Abuse of the substance may lead to limited physical or psychological dependence relative to the substances in Schedule III. Unless specifically excepted or unless listed in Another schedule, any material, compound, mixture, or preparation which contains any Quantity of the following substances, including its salts, isomers, and salts of isomers Whenever the existence of such salts, isomers, and salts of isomers is possible within the Specific chemical designation, are controlled in Schedule IV.

(a) Alprazolam (b) Barbital (c) Bromazepam (d) Camazepam (e) Cathine (f) Chloral betaine (g) Chloral hydrate (h) Chlordiazepoxide (i) Clobazam (j) Clonazepam (k) Clorazepate (l) Clotiazepam (m) Cloxazolam (n) Delazepam (o) Dextropropoxyphene (dosage forms) (p) Diazepam (q) Diethylpropin (r) Estazolam (s) Ethchlorvynol (t) Ethinamate (u) Ethylloflazepate (v) Fencamfamin (w) Fenproporex (x) Fludiazepam (y) Flunitrazepam (z) Flurazepam (aa) Halazepam (bb) Haloxazolam (cc) Ketazolam (dd) Loprazolam (ee) Lorazepam (ff) Lormetazepam (gg) Mazindol (hh) Mebutamate (ii) Medazepam (jj) Mefenorex (kk) Meprobamate (ll) Methohexital (mm) Mehtylphenobarbital (nn) Midazolam (oo) Nimetazepam (pp) Nitrazepam (qq) Nordizepam (rr) Oxazepam (ss) Oxazolam (tt) Paraldehyde (uu) Pemoline (vv) Pentazocine (ww) Phenobarbital (xx) Phentermine (yy) Pinazepam (zz) Pipradrol (aaa) Prazepam (bbb) Propylhexedrine, excluding any patent or proprietary preparation containing propylhexedrine, unless otherwise provided by federal law. (ccc) Quazepam (ddd) Tetrazepam (eee) SPA(-)-1 dimethylamino-1,2 diphenylethane. (fff) Temazepam (ggg) Triazolam (hhh) Not more than 1 milligram of difenxion and not less than 25 micrograms of atropine sulfate per dosage unit.

**(5) SCHEDULE V.**

A substance, compound, mixture, or preparation of a substance in Schedule V has a low Potential for abuse relative to the substances in Schedule IV and has a currently accepted Medical use in treatment in the United States, and abuse of such compound, mixture, or Preparation may lead to limited physical or psychological dependence relative to the Substances in Schedule IV.

**(a)**

Substances controlled in Schedule V include any compound, mixture, or preparation Containing any of the following limited quantities of controlled substances, which shall Include one or more active medicinal ingredients which are not controlled substances in Sufficient proportion to confer upon the compound, mixture, or preparation valuable Medicinal qualities other than those possessed by the controlled substance alone; 1. Not More than 200 milligrams of codeine per 100 grams. 2. Not more than 100 milligrams Of dihydrocodeine per 100 milliliters or per 100 grams. 3. Not more than 100 milligrams Of ethylmorphine per 100 milliliters or per 100 grams 4. Not more than 2.5 milligrams of Diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit 5. Not More than 100 milligrams of opium per 100 milliliters or per 100 grams.

**(b)**

Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any Material, compound, mixture, or preparation containing any of the following narcotic drugs And their salts, Buprenorphine.

(C)

Stimulants. Unless specifically expected or unless listed in another schedule, any material, Compound, mixture, or preparation which contains any quantity of the following substances Having a stimulant effect on the central nervous system, including its salts, isomers, and Salts of isomers: Pyrovalerone

## **Florida Statutes (Full Volume 1993)**

### **CHAPTER 775: DEFINITIONS; GENERAL PENALTIES; REGISTRATION OF CRIMINALS**

#### **775.08 Classes and definition of offenses.**

When used in the laws of this state:

- (1) The term “felony” shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or imprisonment in a state penitentiary. “State penitentiary” shall include state correctional facilities. A person shall be imprisoned in the state penitentiary for each sentence which, except an extended term, exceeds 1 year.
- (2) The term “misdemeanor” shall mean any criminal offense that is punishable under the laws of this state or that would be punishable if committed in this state, by a term of imprisonment in a county correctional facility, except an extended term, not in excess of 1 year. The term “misdemeanor” shall not mean a conviction for any noncriminal traffic violation of any provision of chapter 316 or any municipal or county ordinance.
- (3) The term “noncriminal violation” shall mean any offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by no other than a fine, forfeiture, or other civil penalty. A noncriminal violation does not constitute a crime, and conviction for a noncriminal violation shall not give rise to any legal disability based on a criminal offense. The terms “noncriminal violation” shall not mean any conviction for any violation of any municipal or county ordinance. Nothing contained in this code shall repeal or change the penalty for a violation of any municipal or county ordinance.
- (4) The term “crime” shall mean a felony or misdemeanor.

#### **775.081 Classifications of felonies and misdemeanors**

- (1) Felonies are classified, for the purpose of sentence and for any other purpose specifically provided by statute, into the following categories:
  - (a) Capital felony;
  - (b) Life felony
  - (c) Felony of the first degree;
  - (d) Felony of the second degree; and

(e) Felony of the third degree.

A capital felony and a life felony must be so designated by statute other felonies are of the Particular degree designated by statute. Any crime declared by statute to be a felony without Specification of degree is of the third degree, except that this provision shall not affect felonies Punishable by life imprisonment for the first offense.

- (2) Misdemeanors are classified, for the purpose of sentence and for any other purpose specifically provided by statute, into the following categories:
- (a) Misdemeanor of the first degree; and
  - (b) Misdemeanor of the second degree

A misdemeanor is of the particular degree designated by statute. Any crime declared by statute To be a misdemeanor without specification of degree is of the second degree

- (3) This section is supplemental to, and is not to be constructed to alter, the law of this state establishing and governing criminal offenses that are divided into degrees by virtue of distinctive elements comprising such offenses, regardless of whether such law is established by constitutional provision, statute, court rule or court decision.

#### **775.082 Penalties**

- (1) A person who has been convicted of a capital felony shall be punished by life imprisonment and shall be required to serve no less than 25 years before becoming eligible for Parole unless the proceeding held to determine sentence according to the procedure set Forth in s. 921.141 results in findings by the court that such person shall be punished by Death, and in the latter event such person shall be punished by death.
- (2) In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause Such person to be brought before the court, and the court shall sentence such person To life imprisonment as provided in subsection (1).
- (3) A person who has been convicted of any other designated felony may be punished as follows:
- (a) For a life felony committed prior to October 1, 1983, by a term of imprisonment for Life or for a term of years not less than 30 and, for a life felony committed on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not Exceeding 40 years.
  - (b) For a felony of the first degree, by a term of imprisonment not exceeding 30 years Or, when specifically provided by statute, by imprisonment for a term of years not Exceeding life imprisonment
  - (c) For a felony of the second degree, by a term of imprisonment not exceeding 15 years;

- (d) For a felony of the third degree, by a term of imprisonment not exceeding 5 years.
- (4) A person who has been convicted of a designated misdemeanor may be sentenced as follows:
- (a) For a misdemeanor of the first degree, by a definite term of imprisonment not exceeding 1 year;
  - (b) For a misdemeanor of the second degree, by a definite term of imprisonment not Exceeding 60 days.
- (5) Any person who has been convicted of a noncriminal violation may not be sentenced to a term of imprisonment nor to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in chapter 316 or by ordinance of any city or county
- (6) Nothing in this section shall be constructed to alter the operation of any statute of this State authorizing a trial court, in its discretion, to impose a sentence of imprisonment for An indeterminate period within minimum and maximum limits as provided by law, except as provided in subsection (1)
- (7) This section does not deprive the court of any authority conferred by law to decree a Forfeiture of property, suspend or cancel a license, remove a person from office, or Impose any other civil penalty. Such a judgment or order may be included in the sentence.

[Footnote]

**775.083 Fines.**

- (1) A person who has been convicted of an offense other than a capital felony may be Sentenced to pay a fine in addition to any punishment described in s. 775.082; when Specifically authorized by statute, he may be sentenced to pay a fine in lieu of any Punishment described in s. 775.082. A person who has been convicted of a noncriminal Violation may be sentenced to pay a fine. Fines of designated crimes and for noncriminal Violations shall not exceed:
- (a) \$15,000, when the conviction is of a life felony.
  - (b) \$10,000, when the conviction is of a felony of the first or second degree.
  - (c) \$5,000, when the conviction is of a felony of the third degree.
  - (d) \$1,000, when the conviction if of a misdemeanor of the first degree.
  - (e) \$500, when the conviction is of a misdemeanor of the second degree or a noncriminal violation
  - (f) Any higher amount equal to double the pecuniary gain derived from the offense By the offender or double the pecuniary loss suffered by the victim.

(g) Any higher amount specifically authorized by statute.

(2) If a defendant is unable to pay a fine, the court may defer payment of the fine to a date Certain.

**775.0835 Fine; Crimes Compensation Trust Fund**

(1) When any person pleads guilty or nolo contendere to, or is convicted of, any felony or misdemeanor under the laws of this state which resulted in the injury or death of another person, the court may, if it finds that the defendant has the present ability to pay the fine and finds that the impact of the fine upon the defendant's dependents will not cause such dependents to be dependent on public welfare, in addition to any other penalty, order the defendant to pay a fine, commensurate with the offense committed and with the probable impact upon the victim, but not exceed \$10,000. The fine shall be deposited in the Crimes Compensation Trust Fu

(2) In addition to any fine, civil penalty, or other penalty provided by statute, ordinance, or other law, there shall be imposed, levied, and collected by the courts of this state the 5-percent surcharge on all fines, civil penalties, and forfeitures, as established and created in s. 960.25, which surcharge shall be deposited in the Crimes Compensation Trust Fund created s. 960.21.

[Footnote 1] (3) The additional \$50 obligation created by s. 960.20 shall be collected, and \$49 of each \$50 collected shall be credited to the Crimes Compensation Trust Fund, prior to any fine or surcharge authorized by this chapter.

[Footnote 1] Note. Section 3, ch. 93-9, provides for applicability to claims for compensation for crimes committed or after October 1, 1993.

**775.0836 Fines; surcharges in cases in which victim is handicapped or elderly.**

[Footnote 1] (1) In addition to any fine prescribed by law for any criminal offense or any county or municipal ordinance, when any victim of such criminal offense or any county or municipal ordinance violation is handicapped or elderly, as defined in s. 426.002, there is hereby assessed an additional 10-percent surcharge on such fine, which surcharge shall be imposed by all county and circuit courts, and collected by the clerk of the court together with such fine. The surcharge shall be deposited in the Handicapped and Elderly Security Assistance Trust Fund established by s. 426.009

(2) The surcharges imposed by this section apply only in counties containing housing projects as defined in [Footnote 2] this chapter.

[Footnote 1] Note. Section 49, ch. 93-120, amended subsection (1), effective July 1, 1994, to read: (1) In addition to any fine prescribed by law for any criminal offense or any county or municipal ordinance, when any victim of such criminal offense or any county or municipal ordinance violations is handicapped or elderly, as defined in s. 426.002, there is hereby assessed

an additional 10-percent surcharge on such fine, which surcharge shall be imposed by all county and circuit courts, and collected by the clerk of the court together with such fine. The surcharge shall be deposited in the General Revenue Fund.

[Footnote 2] Note. The words “this chapter” refer to ch. 87-155

**775.084 Habitual felony offenders and habitual violent felony offenders; extended terms; definitions; procedure; penalties.**

(1) As used in this act:

[Footnote 1] (a) “Habitual felony offender” means a defendant for whom the court may impose an extended term of imprisonment, as provided in this section, if it finds that: 1. The defendant has previously been convicted of any combination of two or more felonies in this state or other qualified offenses; 2. The felony for which the defendant is to be sentenced was committed within 5 years of the date of the defendant’s release, on parole or otherwise, from a prison sentence or other commitment imposed as a result of a prior conviction for a felony or other qualified offense, whichever is later 3. The felony for which the defendant is to be sentenced, and one of the two prior felony convictions, is not a violation of s. 893.13 relating to the purchase or the possession of a controlled substances. 4. The defendant has not received a pardon for any felony or other qualified offense that is necessary for the operation of this section; and 5 . A conviction of a felony or other qualified offense necessary to the operation of this section has not been set aside in any post conviction proceeding.

(b) “Habitual violent felony offender” means a defendant for whom the court may impose an extended term of imprisonment, as provided in this section, if it finds that: 1. The defendant has previously been convicted of a felony or an attempt or conspiracy to commit a felony and more of such convictions was for: a. Arson, b. Sexual battery, c. Robbery, d. Kidnapping e. Aggravated child abuse. F. Aggravated assault g. Murder h. Manslaughter, i. Unlawful throwing, placing, or discharging of a destructive device or bomb j. Armed burglary, or k. Aggravated battery; 2. The felony for which the defendant is to be sentenced was committed within 5 years of the date of the conviction of the last prior enumerated felony or within 5 years of the defendant’s release, on parole or otherwise, from a prison sentence or other commitment imposed as a result of a prior conviction for an enumerated felony, whichever is later; 3. The defendant has not received a pardon on the ground of innocence for any crime that is necessary for the operation of this section; and 4. A conviction of a crime necessary to the operation of this section has not been set aside in any post conviction proceeding.

(c) “Qualified offense” means any offense, substantially similar in elements and penalties to an offense in this state, which is in violation of a law of any other jurisdiction whether that of another state, the District of Columbia, the United States or any possession or territory thereof, or any foreign jurisdiction that was punishable under the law of such jurisdiction at the time of its commission by the defendant by death or imprisonment exceeding 1 year.

(2) For the purposes of this section, the placing of a person on probation without an adjudi-

cation of guilt shall be treated as a prior conviction if the subsequent offense for which he is to be sentenced was committed during such probationary period.

- (3) In a sentence proceeding, the court shall determine if the defendant is a habitual felony offender or a habitual violent felony offender. The procedure shall be as follows:
  - (a) The court shall obtain and consider a presentence investigation prior to the imposition Of a sentence as a habitual felony offender or a habitual violent felony offender.
  - (b) Written notice shall be served on the defendant and his attorney a sufficient time prior To the entry of a plea or prior to the imposition of sentence so as to allow the preparation of a submission on behalf of the defendant.
  - (c) Except as provided in paragraph (a), all evidence presented shall be presented in open Court with full rights of confrontation, cross-examination, and representation by counsel.
  - (d) Each of the findings required as the basis for such sentence shall be found to exist by A preponderance of the evidence and shall be appealable to the extent normally applicable to similar findings.
  - (e) For the purpose of identification of a habitual felony offender or a habitual violent Felony offender, the court shall fingerprint the defendant pursuant to s. 921.241
- (4)
  - (a) The court, in conformity with the procedure established in subsection (30, shall Sentence the habitual felony offender as follows: 1. In the case of the first degree, For a life. 2. In the case of a felony of the second degree, for a term of years not Exceeding 30. 3. In the case of a felony of the third degree, for a term of years not Exceeding 10.
  - (b) The court, in conformity with the procedure established in subsection (3), may Sentence the habitual violent felony offender as follows: 1. In the case of a felony Of the first degree, for life, and such offender shall not be eligible for release for 15 years. 2. In the case of a felony of the second degree for a term of years not exceeding 30, and such offender shall not be eligible for release for 10 years . 3. In the case of a felony of the third degree, for a term of years not exceeding 10, and Such offender shall not be eligible for release for 5 years.
  - (c) If the court decides that imposition of sentence under this section is not necessary for The protection of the public, sentence shall be imposed without regard to this section. At any time when it appears to the court that the defendant is a habitual felony offender or a habitual violent felony offender, the court shall make that determination As provided in subsection (3).
  - (d) A sentence imposed under this section shall not be increased after such imposition.

(e) A sentence imposed under this section is not subject to s. 921.001. The provisions of s. 947.146 shall be applied to persons sentenced as habitual offenders under paragraph (1) (a), but shall not be applied to persons sentenced as habitual violent felony offenders under paragraph (1) (b) The provisions of s. 947.1405 shall apply to persons sentenced as habitual felony offenders and persons sentenced as habitual violent felony offenders. A defendant sentenced under this section is not eligible for gain-time granted by the Department of Corrections, except that the department may grant up to 25 days of incentive gain-time each month as provided in s. 944-275(4).

(5) In order to be counted as a prior felony for purpose of sentencing under this section, the felony must have resulted in a conviction sentenced separately prior to the current offense and sentenced separately from any other felony conviction that is to be counted as a prior felony.

(6) The purpose of this section is to provide uniform punishment for those crimes, made punishable under this section, and to this end, a reference to this section constitutes a general reference under the doctrine of incorporation by reference.

[Footnote 1] Note. A. Section 28, ch. 93-406, provides that: “(1) An offender designated for early release by the Control Release Authority who is serving : “(a) A sentence for a controlled substance offense under s. 893.13(1)(e) or (1)(i), Florida Statutes (1991), for purchase or possession with intent to sell, manufacture, or deliver; or “(b) A sentence, or has previously served a sentence, as a habitual offender under s. 775.084(1)(a), Florida Statutes, for a primary offense involving drug possession or purchase, “may be released into supervision under s. 948.00 (3), Florida Statutes, Supervision may include a requirement that a substance abuse assessment be conducted and, when warranted, appropriate substance abuse treatment services shall be provided. “(2) An offender designated for early release by the Control Release Authority who is serving “(a) A sentence for a controlled substance offense under s. 893.13(1)(i), Florida Statutes (1991), for sale, manufacture, or delivery; or (b) A sentence, or has previously served a sentence as a habitual offender under s.775.084(1)(a), Florida Statutes, for primary involving drug sale, manufacture, delivery, or trafficking, “shall be released into supervision under s. 948.001(3), Florida Statutes, Supervision may include a requirement that a substance abuse assessment be conducted and, when warranted, appropriate substance abuse treatment services shall be provided “ Section 30, ch. 93-406, provides for the repeal of s.28, ch. 93-406., effective June 1, 1995. B. Section 29, ch. 93-406, provides that: “(1) Any inmate who is sentenced under s. 893.13 (1)(e) 1, or (1)(i) 1., Florida Statutes, who has not served mandatory minimum term, or who is sentenced under s. 775.084(1)(a), Florida Statutes shall only be placed in an advanceable category as the result of a critical depletion transfer in the following order of priority.” (a) Inmates sentenced under s. 893.13(1)(e) a, or (1)(i) 1., Florida Statutes; (b) Inmates sentenced Under s. 775.084(1)(a), Florida Statutes, except those whose primary offense at conviction is For burglary as provided in s. 810.02, Florida Statutes; “(c) Inmates sentenced under s. 775.084(1)(a), Florida Statutes, whose primary offense at conviction is for burglary as provided In s. 810.02, Florida Statutes, “(2) A critical depletion transfer occurs whenever the release of

Eligible inmates under control release depletes of the total number of eligible inmates with advanceable control release dates to less than 4,000, and inmates in the nonadvanceable subdivision Maximum A category are transferred to the advanceable category with the control Release date established at the tentative release date in compliance with the following specifications and criteria “(a) The number transferred shall be equal to the minimum number Needed to return the pool of inmates with control release dates established at tentative release Dates or earlier to 4,020 “(b) Those inmates who are closest to their tentative release dates or Presumptive release dates shall be eligible for transfer. “(c) Inmates shall be ineligible for transfer If subject to disciplinary proceeding during the 60 days prior to the transfer action “(d) Inmates Selected for transfer shall have their control release dates reestablished at their current tentative Release date or presumptive release date, whichever is earlier, “Section 30. ch. 93-406, provides For the repeal of s.29, ch. 93-406, effective June 1, 1995.

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## **NEW PROFESSIONS TECHNICAL INSTITUTE DISCIPLINARY SANCTIONS FOR ALCOHOL/DRUG OFFENSES**

Students or employees in violation of the Drug-Free Schools and Communities Act, law 101-226, federal laws, state laws, city ordinances, or the school policy, will be reported to the appropriate school authorities for disciplinary action. The Institute may impose sanctions up to Suspension, expulsion, and referral to the appropriate legal authorities for prosecution.

### **ASSISTANCE**

The Director of the school is available for consultation regarding drug and alcohol use, and Services in the community. Issues discussed with the school's Director will be kept confidential.

### **CONDITION OF ENROLLMENT/EMPLOYMENT**

As a condition of enrollment (employment), students (employees) must abide by the terms of the Drug Free School and Workplace Policy as described in this bulletin.